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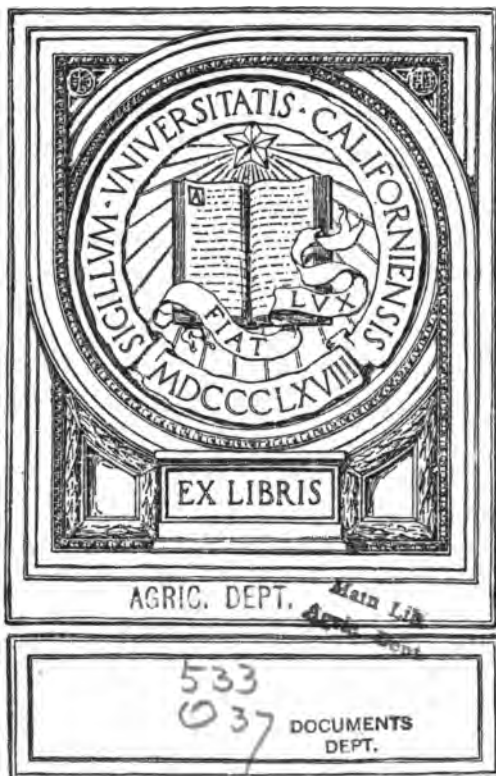
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OHIO
FOOD AND DRUG
LAWS

1908

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OHIO FOOD AND DRUG LAWS

COMPILED BY
RENICK W. DUNLAP
Dairy and Food Commissioner

1908



OHIO

FOOD AND DRUG LAWS

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Dairy and Food Commissioner

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LAWS

REGULATING THE MANUFACTURE AND SALE OF FOOD,
DRINK, DRUGS AND LINSEED OIL, PAINTS, AND AGAINST
FRAUD AND DECEPTION THEREIN, TOGETHER WITH THE
LAW OF PROCEDURE FOR THE VIOLATION OF SUCH
LAWS.

AN ACT

To create the office of dairy and food commissioner, provide for his election, term of office, duties, salaries, expenses, office, disposition of fines collected, annual reports, etc., as amended April 19, 1894 and providing a penalty for resisting inspection by officers, as amended May 9, 1908.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there is hereby created the office of dairy and food commissioner of the state of Ohio. Said commissioner shall be elected at the general election held on the first Tuesday after the first Monday in November, A. D. one thousand eight hundred and ninety-six. He shall take his office on the first Tuesday following the fifteenth day of February next after his election, and shall serve for two years, and until his successor is elected and qualified. He shall be charged with the enforcement of all laws against fraud and adulteration or impurities in foods, drinks or drugs, and unlawful labeling in the state of Ohio. His salary shall be three thousand five hundred dollars (\$3,500)* per year, and his necessary and reasonable expense incurred in the discharge in his official duties, to be paid in monthly installments at the end of each calendar month. Provided, however, that said salary and expenses provided for herein shall be in full of all amounts received by said commissioner from all sources whatsoever, and said necessary and reasonable expenses shall not exceed the sum of seven hundred and fifty dollars in any one year.

Bates, (400-7).
Ohio dairy
and food
commissioner;
election.

Term.

Duties.

Salary and
expenses.

SECTION 2. It shall be the duty of said commissioner or assistant commissioner to inspect any articles of butter, cheese, lard, syrup or other article of food or drinks made or offered for sale in the state of Ohio, as an article of food or drink, and to prosecute or cause to be prosecuted any person or persons, firm or firms, corporation or corporations engaged in the manufacture or sale of any adulterated article of food or drink, or adulterated in violation of, or contrary to any laws of the state of Ohio.

Bates, (400-8).
General duties
of himself
and assistants.

SECTION 3. The said commissioner, or any assistant commissioner, or any inspector, of the dairy and food department shall have power in the performance of their duty, to enter into any creamery, factory, store, salesroom, drug store, or laboratory, or place where they have reason to be-

Bates, (400-9).

Powers.

*Changed to \$4,000 by general act, 98 O. L. 365.

lieve food or drink or linseed oil are made, prepared, sold or offered for sale, and to examine their books, and to open any cask, tub, jar, bottle or package, containing or supposed to contain any article of food or drink and examine or cause to be examined and analyzed the contents thereof, and it shall be the duty of any prosecuting attorney in any county of the state, when called upon by said commissioner or assistant commissioner, or any inspector, to render him any legal assistance in his power, to execute the laws, and to assist in the prosecution of cases arising under provisions of this act.

Refusing to allow commissioners, inspectors, etc., entrance to creamery, store, etc.

Interfere or refuse to deliver sample, etc.

Penalty.

Sec. 3a. Any person or persons who refuse to allow said commissioner, or any assistant commissioner or any inspector, or any of his agents entrance to any creamery, factory, store, salesroom, drug store, laboratory, booth, vehicle, steam or electric cars, or place which he desires to enter in the discharge of his official duty; or in any manner interfere with said commissioner, or any assistant commissioner, or any inspector, or agent in the discharge of his official duty; or refuse to deliver to him a sample of any article of food, drug, or linseed oil made, sold, offered or exposed for sale by such person or persons, when the same is requested and when the value thereof is tendered, shall be fined not exceeding two hundred nor less than fifty dollars, for the first offense, and for each subsequent offense shall be fined not exceeding three hundred nor less than one hundred dollars, or imprisoned in the county jail not exceeding one hundred, nor less than thirty days, or both.

Bates. (409-10).

SECTION 4. Said commissioner may appoint not to exceed two assistant commissioners, each of whose salaries shall be one thousand dollars per year, and necessary traveling expenses incurred in the discharge of their official duties, to be paid in like manner with the commissioner's and on itemized vouchers approved by said commissioner; the said commissioner shall have power to employ such experts, chemists, agents, inspectors and counsel as may by him be deemed necessary for the proper enforcement of the laws, their compensation to be fixed by the commissioner. And each assistant commissioner and inspector now serving or hereafter appointed shall, before entering upon or continuing in the discharge of his duties, give bond payable to the state in the sum of \$1,000 with sureties to the approval of the dairy and food commissioner conditioned for the faithful performance of his duties, which bond, when so approved, shall be filed with the secretary of state and be open to inspection at all proper times.

Assistant commissioners. Experts, chemists, agents, inspectors and counsel.

Bonds.

Payment of expenses, etc.; limitation.

Vacancies in office of commissioner.

All charges, accounts and expenses authorized by this act shall be paid out of the state treasury upon vouchers certified by the commissioner, and upon warrant by the state auditor. The entire expense of said commissioner shall not exceed in one year the amount specifically appropriated for such purposes. All vacancies in the office of dairy and food commissioner shall be filled by appointment of the governor until the next general election, then the same shall be filled as in the original election. All fines, fees and costs assessed

and collected under prosecutions begun, or caused to be begun, by the commissioner, and all fines, fees and costs heretofore assessed and collected under prosecution begun or caused to be begun by the commissioner, shall be paid by the court to the commissioner, and by him paid into the state treasury and be credited to the general revenue fund of the state.

Disposition of
fines, fees and
costs.

Office, seal,
stationery and
supplies.

The two most easterly rooms on the north side of the east end of the south corridor of the state house, now occupied by the dairy and food commissioner, are set apart for his use, wherein shall be kept his books, records, or other property of his office.

He shall keep a seal with which to attest official acts and documents, and shall be entitled to stationery and supplies from the secretary of state as are other state officers. The commissioner shall make an annual report to the governor as soon as possible after the 15th day of November of each year, containing itemized statements of all receipts and disbursements, attorney fees in each specified suit brought in this department, and all persons employed by him, together with such statistics and other matter as he may regard of value; said reports to be published as are the other reports of the other state officers.

Annual report.

He shall issue bulletins at such times as he may deem best, giving such information as he may have of the condition of the various products which it is his duty to cause to be inspected and the results of analyses by him caused to be made, and such other information as may be serviceable to the public, which said bulletins shall be immediately published by the state and distributed by the commissioner.

Bulletins.

AN ACT

To authorize the dairy and food commissioner of Ohio to employ a clerk.

SECTION 1. That the dairy and food commissioner of Ohio be and is hereby authorized to employ a clerk for his office whose compensation shall not exceed \$1,200 per annum. 97 O. L. 31; 90 O. L. 257.

AN ACT

To provide against the adulteration and misbranding of food and drugs.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That no person shall, within this state, manufacture for sale, offer for sale, sell, deliver or have in his possession with intent to sell or deliver any drug or article of food which is adulterated, within the meaning of

Sales, etc., of
adulterated
and mis-
branded foods
and drugs pro-
hibited.

this act; that no person shall, within this state, offer for sale, sell, deliver or have in his possession with intent to sell or deliver any drug or article of food which is misbranded, within the meaning of this act.

"Drug" and
"Food" de-
fined. Flav-
oring extract.

SECTION 2. The term "drug," as used in this act, shall include all medicines for internal or external use or for inhalation, antiseptic, disinfectants and cosmetics. The term "food," as used herein, shall include all articles used for food, drink, flavoring extract, confectionery, or condiment by man, whether simple, mixed or compound. The term "flavoring extract," as used herein, shall include any article used as a flavor for foods or drinks whether used or sold under the name of extract, flavor, essence, tincture, or any other name.

SECTION 3. An article shall be deemed to be adulterated within the meaning of this act:

Drugs when
adulterated.

(a) In the case of drugs: (1) If, when sold under or by a name recognized in the eighth decennial revision of the United States Pharmacopoeia, or the third edition of the National Formulary, it differs from the standard of strength, quality or purity laid down therein; (2) if, when sold under or by a name not recognized in the eighth decennial revision of the United States pharmacopoeia, or the third edition of the National Formulary, but which is found in some other pharmacopoeia, or other standard work on materia medica, it differs materially from the standard of strength, quality and purity laid down in such work; (3) if its strength, quality or purity falls below the professed standard under which it is sold; (4) if it is an imitation of, or offered for sale under the name of another article; (5) if the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package; (6) if it contains any methyl or wood alcohol.

Foods when
adulterated.

(b) In the case of food, drink, flavoring extract, confectionery or condiment: (1) If any substance or substances have been mixed with it, so as to lower or depreciate or injuriously affect its quality, strength or purity; (2) if any inferior or cheaper substance or substances have been substituted wholly, or in part, for it; (3) if any valuable or necessary constituent or ingredient has been wholly, or in part, abstracted from it; (4) if it is an imitation of, or is sold under the name of another article; (5) if it consists wholly, or in part, of a diseased, decomposed, putrid, infected, tainted or rotten animal or vegetable substance or article, whether manufactured or not or, in the case of milk, if it is the produce of a diseased animal; (6) if it is colored, coated, polished or powdered, whereby damage or inferiority is concealed, or if by any means it is made to appear better or of greater value than it really is; (7) if it contains any added substance or ingredient which is poisonous or injurious to health; (8) if, when sold under or by a name recognized in the eighth decennial revision of the United States pharmacopoeia, or the Third Edition of the National Form-

ulary, it differs from the standard of strength, quality or purity laid down therein; (9) if, when sold under or by a name not recognized in the Eighth Decennial Revision of the United States Pharmacopoeia, or the Third Edition of the National Formulary, but is found in some other pharmacopoeia, or other standard work on materia medica, it differs materially from the standard of strength, quality or purity laid down in such work; (10) if the strength, quality or purity falls below the professed standard under which it is sold; (11) if it contains any methyl or wood alcohol.

Sec. 3a. An article shall be deemed to be misbranded within the meaning of this act:

(a) In the case of drugs: (1) If the package fails to bear a statement on the label of the quantity or proportion of any grain or ethyl alcohol, morphine, opium, cocaine, heroine, alpha or beta eucacaine, chloroform, cannabis indica, choral hydrate, acetanilide or any derivative or preparation of any such substances contained therein, PROVIDED, that the provisions of this section shall not apply to the prescriptions of regularly licensed physicians, dentists and doctors of veterinary medicine, nor to such drugs and preparations as are officially recognized in the Eighth Decennial Revision of the United States Pharmacopoeia, or the Third Edition of the National Formulary, and which are sold under the name by which they are so recognized; (2) if the package containing it or any label thereon shall bear any statement, design or device regarding it or the ingredients or substances contained therein, which shall be false or misleading in any particular.

Drugs when misbranded.

(b) In the case of food, drink, flavoring extracts, confectionery or condiment: (1) If the package fails to bear a statement on the label of the quantity or proportion of any morphine, opium, cocaine, heroine, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate or acetanilide, or any derivative or preparation of any such substances contained therein; (2) if it be labeled or branded so as to deceive or mislead the purchaser or purport to be foreign product when not so; (3) if in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package; (4) in case of any flavoring extract, for which no standard exists, if the same is not labeled "artificial" or "imitation" and the formula printed in the same manner hereinafter provided for the labeling of "compounds" or "mixtures" and their formulae; (5) if the package containing it or any label thereon shall bear any statement, design or device regarding it or the ingredients or substances contained therein, which shall be false or misleading in any particular; PROVIDED, that the provision of this act shall not apply to mixtures or compounds recognized as ordinary articles or ingredients of articles of food or drink, if each and every package sold or offered for sale be distinctly labeled in words of the English language as mixtures or compounds, with the name and percentage, in terms of 100 per cent, of each

Food when misbranded.

Exception.

Labeling mix-
tures or com-
pounds.

ingredient therein. The word "compound" or "mixture" shall be printed in letters and figures not smaller in either height or width than one-half the largest letter upon any label on the package and the formula shall be printed in letters and (figures) not smaller in either height or width than one-fourth the largest (letter) upon any label on the package and such compound or mixture must not contain any ingredient that is poisonous or injurious to health.

Furnishing
sample for
analysis.

SECTION 4. Every person manufacturing, offering or exposing for sale, or delivering to a purchaser, any drug or article of food included in the provisions of this act, shall furnish to any person interested, or demanding the same, who shall apply to him for the purpose, and shall tender him the value of the same, a sample sufficient for the analysis of any such drug or article of food which is in his possession.

Penalty.

SECTION 5. Whoever refuses to comply, upon demand, with the requirements of section 4, and whoever violates any of the provisions of this act, shall be fined not exceeding one hundred nor less than twenty-five dollars, for the first offense, and for each subsequent offense shall be fined not exceeding two hundred dollars nor less than one hundred dollars, or imprisoned in the county jail not exceeding one hundred, nor less than thirty days, or both. And any person found guilty of manufacturing, offering for sale or selling an adulterated article of food or drug under the provisions of this act, shall be adjudged to pay in addition to the penalties hereinbefore provided for, all necessary costs and expenses incurred in inspecting and analyzing such adulterated articles of which said person may have been found guilty of manufacturing, selling or offering for sale.

AN ACT

Providing against the sale of unwholesome food (29 v. 144) and to provide against the contamination of animals used for human food.

Offenses
against
public health.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 6928 of the Revised Statutes, be amended and supplemented so as to read as follows:

Penalty for
selling, etc.,
unwholesome
provisions.

Sec. 6928. Whoever sells, or offers for sale, or has in his possession with a view to sell any kind of diseased, corrupted or adulterated, or unwholesome provisions, whether for meat or drink, without making the condition of the same known to the buyer, and whoever kills for the purpose of sale, any calf less than four weeks old, or sells, or has in possession with intent to sell, the meat of any calf which he knows to have been killed when less than four weeks old, shall be fined not more than fifty dollars or imprisoned not more than twenty days, or both.

Sec. 6928-1. Whoever feeds to swine, or animals of any kind used for human food, the flesh of any old horse, or

the flesh of any animal which has become old, decrepit, infirm or sick, or of one that has died from any such cause, or of any offal or flesh that is putrid or unwholesome, shall be fined not more than two hundred dollars nor less than fifty, or imprisoned for the first offense not more than thirty days, or both, and for the second offense not more than six months, or both.

Penalty for feeding unwholesome offal or flesh to swine, etc.

MAPLE SYRUP AND SUGAR LAW OF OHIO.

As Amended April 6, 1906.

SECTION 1. That maple sugar, or pure maple sugar, and maple syrup, or pure maple syrup, shall be the unadulterated product produced by the evaporation of pure sap from the maple tree.

Maple sugar.
Maple syrup.

Sap from maple tree.

SECTION 2. The standard of weight of a gallon of maple syrup of 231 cubic inches in the state of Ohio, shall be eleven pounds. Any substance purporting to be maple syrup or maple sugar not made in compliance with section 1 of this act shall be deemed to be an adulteration of maple syrup or maple sugar, and maple syrup of less weight than herein required shall be deemed an adulteration of maple syrup.

Standard gallon.

SECTION 3. Any person who shall manufacture for sale, offer for sale, or have in his possession with intent to sell, or sell or deliver as and for maple syrup or maple sugar any adulteration of maple syrup or maple sugar as herein defined shall, upon conviction, be punished as provided in section 6 of this act.

Selling adulteration of maple syrup, etc., prohibited.

SECTION 4. Any person who shall offer for sale, have in his possession with intent to sell, or sell or deliver as and for maple syrup, or as and for maple sugar, any articles which do not bear the name and address of the packer and also the State, Territory or Country in which the goods were produced, in plain legible type upon the label, shall upon conviction, be punished as provided in section 6 of this act.

Name and address of place where packed, of packer, must be on goods.

SECTION 5. Any person who shall offer for sale, have in his possession with intent to sell, or sell or deliver any adulteration of maple syrup or maple sugar in any box, can, bottle or other package having the word "Maple" or any compounding of this word, as the name or part of the name of the syrup or sugar or any device or illustration suggestive of maple syrup or sugar or the manufacture thereof, shall, upon conviction, be punished as provided in section 6 of this act.

Word "Maple" cannot be any adulteration of maple syrup, etc.

SECTION 6. Any person who violates any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be fined not less than fifty nor more than two hundred dollars and shall pay the costs of prosecution.

Penalty.

AN ACT

To prevent the adulteration of vinegar

Be it enacted by the General Assembly of the State of Ohio:

Cider vinegar,
"cider," "ap-
ple" or com-
pounding of
such words.

SECTION 1. That no person shall manufacture for sale, offer, or expose for sale; sell or deliver, or have in his possession with intent to sell or deliver, any vinegar not in compliance with the provisions of this act. Any vinegar manufactured for sale, offered for sale, exposed for sale, sold or delivered, or in the possession of any person with intent to sell or deliver, under the name of cider vinegar, or apple vinegar, or any compounding of the word "cider" or "apple" as the name or part of the name of any vinegar, shall be the product made by the alcoholic and subsequent acetous fermentations of the juice of apples, shall contain no foreign substance, drugs or acids, is lævo-rotatory, and shall contain not less than four (4) grams of acetic acid, not less than 1.6 grams of apple solids, of which not more than fifty (50) per cent. are reducing sugars, and not less than twenty-five hundredths (0.25) grams of apple ash in one hundred cubic centimeters (at a temperature of twenty (20) degrees centigrade; and the water-soluble ash from one hundred (100) cubic centimeters at a temperature of twenty (20) degrees centigrade) of the vinegar shall contain not less than ten (10) milligrams of phosphoric acid, ($P_2 O_5$), and which shall require not less than thirty (30) cubic centimeters of decinormal acid to neutralize its alkalinity.

Standard
cider vinegar.

See (4200-50).

Wine or grape
vinegar stand-
ard.

2. Any vinegar manufactured for sale, offered for sale, exposed for sale, sold or delivered or in the possession of any person with intent to sell or deliver, under the name of wine vinegar or grape vinegar, shall be the product made by the alcoholic and subsequent acetous fermentations of the juice of grapes, and shall contain, in one hundred (100) cubic centimeters (at a temperature of twenty (20) degrees centigrade), not less than four (4) grams of acetic acid, not less than one (1.0) gram of grape solids, and not less than thirteen hundredths (0.13) grams of grape ash.

Malt vinegar
standard.

3. Any vinegar manufactured for sale, offered for sale, exposed for sale, sold or delivered or in the possession of any person with intent to sell or deliver, under the name of malt vinegar shall be the product made by the alcoholic and subsequent acetous fermentations, without distillation, of an infusion of barley malt or cereals whose starch has been converted by malt, is dextro-rotatory, and shall contain in one hundred (100) cubic centimeters (at a temperature of twenty (20) degrees centigrade), not less than four (4) grams of acetic acid, not less than two (2) grams of solids, and not less than two-tenths (0.2) grams of ash; and the water-soluble ash from one hundred (100) cubic centimeters (at a temperature of twenty (20) degrees centigrade), of the vinegar shall contain not less than nine (9) milligrams of phosphoric acid ($P_2 O_5$) and which shall require not less

than four (4) cubic centimeters of decinormal acid to neutralize its alkalinity.

4. Any vinegar manufactured for sale, offered for sale, exposed for sale, sold or delivered or in the possession of any person with intent to sell or deliver, under the name of distilled vinegar, shall be the product made wholly or in part by the acetous fermentation of dilute distilled alcohol, and shall contain in one hundred (100) cubic centimeters, (at a temperature of twenty (20) degrees centigrade), not less than four (4) grams of acetic acid, and shall be free from coloring matter, added during, or after distillation, and from coloring other than that imparted to it by distillation.

Distilled vinegar standard.

Free from coloring.

Other fermented vinegar.

Standard.

Free from distilled liquor.

No added or foreign substances.

Sec. (4208-51).

SECTION 2. All vinegar made by fermentation and oxidation without the intervention of distillation shall be branded "fermented vinegar," with the name of the fruit or substance from which the same is made. And all vinegar made wholly or in part from distilled liquor shall be branded "distilled vinegar," and all such distilled vinegar shall be free from coloring matter added during or after distillation and from color other than that imparted to it by distillation. And all fermented vinegar not otherwise provided for in said Section 1, and not being distilled vinegar as defined in said Section 1, shall contain not less than two (2) per cent. by weight upon full evaporation (at a temperature of boiling water) of solids, contained in the fruit or grain or substance from which said vinegar is fermented, and said vinegar shall contain not less than two-and-one-half-tenths of one per cent. ash or mineral matter, the same being the product of the material from which said vinegar is manufactured. And all vinegar shall be made wholly from the fruit or grain from which it purports to be or is represented to be made, and shall contain no foreign substance, and shall contain not less than four per cent., by weight of absolute acetic acid.

SECTION 3. No person shall manufacture for sale, offer for sale, or have in his possession with intent to sell, any vinegar found upon proper test to contain any preparation of lead, copper, sulphuric or other mineral acid, or other ingredients injurious to health. And all packages containing vinegar shall be branded on the head of the cask, barrel or keg containing such vinegar, or if sold in other packages, that each package be plainly marked with the name and residence of the manufacturer, together with brand required in section two hereof.

Substances forbidden.

All packages branded.

Sec. (4200-52).

SECTION 4. Whoever violates any of the provisions of this act shall, upon conviction, be fined not less than fifty dollars nor more than one hundred dollars, or imprisoned not less than thirty days nor more than one hundred days, or both, and shall be adjudged to pay, in addition, all necessary costs and expenses incurred in inspection and analyzing such vinegar. Every person making or manufacturing cider vinegar, who is not a domestic manufacturer of cider or cider vinegar, shall brand on each head of the cask,

Penalty.

Sec. (4200-53).

Brands on
casks of vine-
gar.

Manufacturing
farmer.

barrel or keg containing such vinegar, the name and residence of the manufacturer, the date when same was manufactured, and the words "cider vinegar." And no vinegar shall be branded "fruit vinegar" unless the same be made wholly from apples, grapes, or other fruit. Provided, that nothing in this bill shall be construed to prevent any farmer from manufacturing for his own private use, or offering for sale, not to exceed twenty-five barrels in any one year, pure cider or other fruit vinegar, branding the same "domestic cider vinegar," with name and date of manufacturer, and when so branded, shall be sufficient guarantee of its purity.

AN ACT

To prevent fraud in canning fruits and vegetables.

Forbidding
the sale of
unlabeled
canned fruits
and vegetables.

Bates, (7072-1).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall hereafter be unlawful in this state for any packer or dealer in preserved or canned fruits and vegetables, or other articles of food, to offer such canned articles for sale after January 1, 1886, with the exception of goods brought from foreign countries or packed prior to the passage of this act, unless such articles bear a mark to indicate the grade or quality, together with the name and address of such firm, person or corporation that pack the same, or dealer who sells the same.

Labeling of
"soaked"
goods and
cans of maple
molasses.

Bates,
(7072-2).

SECTION 2. That all soaked goods, or goods put up from products dried before canning, shall be plainly marked by an adhesive label, having on its face the word "soaked," in letters not less in size than two-line pica, of solid and legible type; and all cans, jugs, or other packages containing maple syrup or molasses, shall be plainly marked by an adhesive label, having on its face the name and address of the person, firm or corporation who made or prepared the same, together with the name and quality of the goods, in letters of the size provided in this section.

False or frau-
dulent stamps
or labels—
penalty for
making.

Bates,
(7072-3).

SECTION 3. Any person, firm or corporation who shall falsely stamp or label such cans or jars containing preserved fruit or food of any kind, or knowingly permit such false stamping or labeling, and any person, firm or corporation who shall violate any of the provisions of this act, shall be deemed guilty of a misdemeanor, and punished with a fine not less than \$50 in case of vendors, and in the case of manufacturers, and those falsely or fraudulently stamping or labeling such cans or jars, a fine of not less than \$500 nor more than \$1,000; and it shall be the duty of any board of health in this state, cognizant of any violation of this act, to prosecute any person, firm or corporation which it has reason to believe has violated any of the provisions of this act, and after deducting the cost of trial and conviction, to retain for the use of such board the balance of the fine or fines recovered.

AN ACT

To provide against the adulteration of candy.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That no person shall manufacture for sale, or sell or offer to sell any candy adulterated by the admixture of terra alba, barytes, talc, or other mineral substance, poisonous colors, or flavors or other ingredients, deleterious or detrimental to health.

Bates,
(4200-1).

Manufacture
and sale of
adulterated
candy.

SECTION 2. Every person manufacturing any candy, or offering or exposing the same for sale, shall furnish to any person interested or demanding the same, who shall apply to him for that purpose, and shall tender him the value of the same, a sample sufficient for the analysis thereof.

Bates,
(4200-2).

Samples.

SECTION 3. Whoever refuses to comply, upon demand, with the requirements of section 2, and whoever violates any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding one hundred dollars, nor less than twenty-five dollars, or imprisoned not exceeding one hundred nor less than thirty days, or both; and he shall be adjudged to pay in addition all necessary costs and expenses incurred in the inspecting and analyzing such adulterated candy, and the same shall be forfeited and destroyed under the direction of the court.

Penalties.

Bates,
(4200-2).

AN ACT

To regulate the testing of milk.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, In the use of the Babcock test, the standard milk measures or pipettes, shall have a capacity of 17.6 cubic centimeters; and the standard test tubes or bottles for milk, shall have a capacity of 2 cubic centimeters for each 10 per cent. marked on the necks thereof; the standard unit of cream for testing shall be 18 grams, and it is hereby made a misdemeanor to use any other standards of milk or cream measure where milk or cream is purchased by or furnished to creameries or cheese factories and where the value of said milk or cream is determined by the per cent. of butter fat contained in the same by the Babcock test.

Standards.

SECTION 2. Any manufacturer, merchant, dealer, or agent in this state who shall offer for sale or sell a milk pipette or measure, test tube or bottle, which is not correctly marked or graduated, as herein provided, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished as provided in section four of this act.

Incorrect
graduation.

SECTION 3. It shall be unlawful for the owner, manager, agent, or any employee of a cheese factory, creamery or condensed milk factory or other place where milk is

False testing.

tested for quality or value to manipulate or under-read or over-read the Babcock test or any other contrivance used for determining the quality or value of milk or cream or to make any false determination by said Babcock test or otherwise.

Penalty.

SECTION 4. Whoever shall violate any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars.

AN ACT

To regulate the sale of milk and to prohibit the use of wet distillery waste in the feeding of cows.

Be it enacted by the General Assembly of the State of Ohio:

Sec. (4200-9).

Adulterated
milk, water or
foreign sub-
stance.

Feeding dis-
tillery or
starch waste
prohibited.

Penalty.

SECTION 1. That whoever by himself or by his servant or agent, or as the servant or agent of any other person, sells, exchanges or delivers, or has in his custody or possession with intent to sell or exchange or exposes or offers for sale or exchange adulterated milk, or milk to which water or any foreign substance has been added, or milk from cows fed on wet distillery waste, or starch waste, or from cows kept in a dairy or place which has been declared to be in an unclean or unsanitary condition by certificate of any duly constituted Board of Health or duly qualified health officer, within the county in which said dairy is located, or from diseased or sick cows, shall for a first offense, be punished by a fine of not less than fifty nor more than two hundred dollars; for a second offense, by a fine of not less than one hundred dollars nor more than three hundred dollars, or by imprisonment in the jail or workhouse for not less than thirty nor more than sixty days; and for a subsequent offense, by fine of fifty dollars, and by imprisonment in the jail or workhouse for not less than sixty nor more than ninety days.

Pure milk.

Bates,
(4200-10).

Skimmed
milk.

Bates,
(4201-11).

SECTION 2. Whoever, by himself or by his servant or agent, or as the servant or agent of any other person, sells, exchanges or delivers, or has in his custody or possession, with intent to sell or exchange, or exposes or offers for sale as pure milk, any milk from which the cream or part thereof has been removed, shall be punished by the penalties provided in the preceding section.

SECTION 3. No dealer in milk, and no servant or agent of such a dealer, shall sell, exchange or deliver, or have in his custody or possession with intent to sell, exchange or deliver, milk from which the cream or part thereof has been removed, unless in a conspicuous place above the center, upon the outside of every vessel, can or package, from which or in which such milk is sold, the words "skimmed milk" are distinctly marked in uncondensed Gothic letters not less than one inch in length. Whoever violates the pro-

visions of this section shall be punished by the penalties provided in section 1.

SECTION 4. In all prosecutions under this chapter, if the milk is shown upon analysis to contain more than eighty-eight per cent. of watery fluid, or to contain less than 12 per cent. of solids, or to contain less than 3 per cent. of fats, it shall be deemed, for the purpose of this chapter, to be adulterated.

Adulterated milk defined.

Bates (4200-12).

AN ACT

To prevent deception in the sale of dairy products and to preserve the public health.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That no person, by himself or his agent, or his employee, shall render or manufacture for sale out of animal or vegetable oils, not produced from unadulterated milk or cream from the same, any article in imitation or semblance of natural butter or cheese produced from pure unadulterated milk or cream from the same, nor compound with, or add to milk, cream or butter any acids or other deleterious substance, or animal fats or animal or vegetable oils not produced from milk or cream, so as to produce any article or substance, or any human food, in imitation of natural butter or cheese, nor shall sell, keep for sale or offer for sale any article, substance or compound made, manufactured or produced in violation of the provisions of this section, whether such article, substance or compound shall be made or produced in this state or elsewhere.

Butter and cheese, manufacture or sale of articles in imitation of prohibited.

Bates, (4200-13).

SECTION 2. For the purpose of this act the terms "natural butter and cheese," "natural butter or cheese produced from pure unadulterated milk or cream from the same, butter and cheese made from unadulterated milk or cream, butter or cheese, the product of the dairy," and butter or cheese shall be understood to mean the products usually known by the terms butter and cheese, and which butter is manufactured exclusively from pure milk or cream or both, with salt and with or without any harmless coloring matter, and which cheese is manufactured exclusively from pure milk or cream or both, with salt and rennet and with or without any harmless coloring matter or sage. It is further provided that nothing in this act shall be construed to prohibit the manufacture or sale of oleomargarine, in a separate and distinct form, and in such manner as will advise the consumer of its real character, free from any coloring matter or other ingredient causing it to look like or to appear to be butter, as above defined.

Natural butter and cheese, etc., defined.

Bates, (4200-14).

Oleomargarine.

SECTION 3. Whoever violates the provisions of this act shall be guilty of a misdemeanor, and be punished by a fine of not less than one hundred dollars, nor more than five hundred, or not less than six months nor more than one year's imprisonment for the first offense, and by imprisonment for one year for each subsequent offense.

Penalty.

Bates, (4200-15).

AN ACT

To prevent fraud and deception in the manufacture and sale of oleomargarine, and promote public health in the state of Ohio.

Bates,
(4200-16).

Oleomargarine, restrictions as to manufacture of.

Placards to be displayed by dealers.

Bates,
(4200-17).

Placards to be displayed by hotel proprietors and others.

Bates,
(4200-18).

Deceptions prohibited.

Oleomargarine defined.

Bates,
(4200-19).

Penalty for violation of act.

SECTION 1. *Be it enacted by the General Assembly of the state of Ohio*, That no person shall manufacture, offer or expose for sale, sell or deliver, or have in his possession with intent to sell or deliver, any oleomargarine which contains any methly (methyl) orange, butter yellow, annatto, aniline dye, or any other coloring matter.

SECTION 2. Every person who shall offer or expose for sale, sell or deliver, or have in his possession with intent to sell or deliver, any oleomargarine, shall keep a white placard not less in size than ten by fourteen inches, in a conspicuous place where the same may be easily seen and read, in the store, room, stand, booth, vehicle or place where such substance is offered or exposed for sale, on which placard shall be printed in black letters, not less in size than one and one-half inches square, the words, "oleomargarine sold here;" and said placard shall not contain any other words than the ones described; and no person shall sell or deliver any oleomargarine unless it be done under its true name, and each package has on the upper side thereof a label on which is printed in letters not less than five-eighths of an inch square the word "oleomargarine," and in letters not less than one-eighth of an inch square, the name and per cent. of each ingredient therein.

SECTION 3. Every proprietor, keeper, manager or person in charge of any hotel, boat, railroad car, boarding-house, restaurant, eating-house, lunch-counter or lunch-room who therein sells, uses, serves, furnishes or disposes of or uses in cooking, any oleomargarine, shall display and keep a white placard in a conspicuous place, where the same may be easily seen and read, in the dining-room, eating-room, restaurant, lunch-room or place where such substance is furnished, served, sold or disposed of, which placard shall be in size not less than ten by fourteen inches, upon which shall be printed in black letters, not less in size than one and a half inches square, the words, "oleomargarine sold and used here," and said card shall not contain any other words than the ones above described, and such proprietor, keeper, manager or person in charge shall not sell, serve or dispose of such substance as for butter when butter is asked for or purported to be furnished or served.

SECTION 4. The word "oleomargarine," as used in this act, shall be construed to mean any substance not pure butter of not less than eighty per cent. of butter fats, which substance is made as substitute for, in imitation of, or to be used as butter.

SECTION 5. Any manufacturer who violates any of the provisions of this act shall, upon conviction thereof, be fined in any sum not less than one hundred dollars, nor more than five hundred dollars; and for each subsequent

offense, in addition to the above fine, may be imprisoned in the county jail not more than ninety days. Any other person violating any of the provisions of this act shall, upon conviction thereof, be fined not less than fifty dollars nor more than one hundred dollars.

Bates,
(4200-20).

AN ACT

To prevent adulteration of and deception in the sale of dairy products, and supplementary to Chapter 11, Title 1, Part 4, of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That no person shall sell, expose or offer for sale or exchange, any substance purporting, appearing, or represented to be butter or cheese, or having the semblance of either butter or cheese, which substance is not made wholly from pure milk, or cream, salt and harmless coloring matter, unless it is done under its true name, and each vessel, package, roll or parcel of such substance has distinctly and durably painted, stamped, stenciled or marked thereon the true manner of such substance in ordinary bold-faced capital letters, not less than five-line pica in size, and also the name of each article or ingredient used or entering into the composition of such substance, in ordinary bold-faced letters, not (less) than pica in size, or sell or dispose of in any manner to another any such substance without delivering with each amount sold or disposed of, a label on which is plainly or legibly printed in ordinary bold-faced capital letters, not less than five-line pica in size, the true name of such substance, and also the name of such articles used and entering into the composition of such substance in ordinary bold-faced letters, not less than pica in size, if the same be not made wholly from pure milk or cream, salt and harmless coloring matter; and the words "butter," "creamery," or "dairy," or any word or combination of words embracing the same, shall not be placed on any vessel, package, roll or parcel containing any imitation dairy product or substance not wholly made from pure milk, or cream, salt, and harmless coloring matter.

Restrictions
on sales of
artificial dairy
products.

Bates,
(4200-30).

SECTION 2. No person or persons shall manufacture out of any oleaginous substance or substances, or any compound of the same other than that produced from unadulterated milk or cream, salt and harmless coloring matter, any article designed to be sold as butter or cheese made from pure milk or cream, salt and harmless coloring matter. Nothing in this section shall prevent the use of pure skimmed milk in the manufacture of cheese.

Restrictions
on manufac-
ture of.

Bates,
(4200-31).

SECTION 3. No person or persons shall manufacture, mix, compound or add to natural or pure milk, cream, butter or cheese, any animal fats, animal, mineral or vegetable oils, nor shall any person or persons manufacture any oleaginous or other substance not produced from pure milk

Further re-
strictions on
manufacture.

Bates,
(4200-32).

or cream, salt and harmless coloring matter, or have the same in his possession, or offer or expose the same for sale or exchange with intent to sell or in any manner dispose of the same as and for butter and cheese made from unadulterated milk or cream, salt and harmless coloring matter, nor shall any substance or compound so made be sold or disposed of to any one as and for butter or cheese made from pure milk or cream, salt and harmless coloring matter.

Sale of, etc.

Bates,
(4200-33).

False brands
and labels.

SECTION 4. No person or persons shall sell, exchange, expose or offer for sale or exchange, dispose of or have in his possession any substance or article made in imitation or resemblance of, or as a substitute for any dairy product which is falsely branded, stenciled, labeled or marked as to the place where made, the name or cream value thereof, its composition or ingredients, or in any other respect.

Bates,
(4200-34).

Brands con-
tinued.

SECTION 5. No person or persons shall sell, exchange, expose or offer for sale or exchange, dispose of or have in his possession any dairy food products which are falsely branded, stenciled, labeled or marked as to the place where made, date of manufacture, the name or cream value thereof, composition or ingredients, or in any other respect, and cheese wholly made from skimmed milk shall have branded upon the box or can "made from skimmed milk."

Skimmed
milk, cheese.

Bates,
(4200-35).

Cards to be
displayed by
dealers in
artificial dairy
products.

SECTION 6. Every person in this state who shall deal in, keep for sale, expose or offer for sale or exchange, any substance other than butter or cheese made wholly from pure milk or cream, salt and harmless coloring matter, which appears to be, resembles, or is made in imitation of, or as a substitute for butter or cheese, shall keep a card not less in size than ten by fourteen inches, in a conspicuous and visible place where the same may be easily seen and read in the store, room, stand, booth, wagon or place where such substance is, on which card shall be printed, on a white ground, in bold, black, Roman letters, not less in size than twelve-line pica, the words, "oleomargarine" or "imitation cheese," (as the case may be), "sold here," and said card shall not contain any other words than the ones above prescribed; and no person shall sell any oleomargarine, suine, imitation cheese, or other imitation dairy product, at retail or in any quantity less than the original package, tub or firkin, unless he shall first inform the purchaser that the substance is not butter or cheese, but an imitation of the same.

Sale of less
than original
package.

Bates,
(4200-36).

Card to be
displayed by
keepers of
hotels, res-
taurants, etc.

SECTION 7. Every proprietor, keeper, or manager or person in charge of any hotel, boarding house, restaurant, eating house, lunch counter or lunch room, who therein sells, uses or disposes of any substance which appears to be, resembles, or is made in, or as an imitation of, or is made as a substitute for butter or cheese, under whatsoever name, and which substance is not wholly made from pure milk or cream, salt and harmless coloring matter, shall display and keep a card in a conspicuous place, where the same may be easily seen and read in the dining, eating, restaurant and

lunch room, and place where such substance is sold, used, or disposed of, which card shall be white and in size not less than ten by fourteen inches upon which shall be printed in plain, bold, black Roman letters, not less in size than twelve-line pica, the words, "oleomargarine sold and used here," or "imitation cheese sold and used here" (as the case may be), and said card shall not contain any other words than the ones above described, and such proprietor, keeper, manager, or person in charge shall not sell, furnish, or dispose of such substance as and for "butter and cheese," made from pure milk or cream, salt and harmless coloring matter, when butter or cheese is asked for.

SECTION 8. No person or persons shall pack, box, in-close, ship or consign any substance, as butter or cheese made from pure milk or cream, salt and harmless coloring matter in such a manner as to conceal an inferior article by placing a finer grade of butter or cheese upon the surface of the same.

Bates,
(4200-37).

Fraudulent
shipments.

SECTION 9. No person or persons shall sell to any person, or deliver, or carry, or cause to be carried to any cheese or butter factory to be manufactured, any milk diluted with water or in any way adulterated, or from which any cream has been taken, or milk commonly known as "skimmed milk," or milk from which (the) part known as "strippings" has been withheld with the intent to defraud, or keeps or renders any false account of the quantity or weight of milk furnished at or to any factory for manufacture or sold to any manufacturer.

Bates,
(4200-38).

Sale of diluted
milk.

False
accounts.

SECTION 10. No person or persons shall sell, exchange, or offer for sale or exchange, any unclean, impure, unhealthy, unwholesome milk, or sell, exchange or offer for sale or exchange as "pure milk," milk diluted with water or milk known as skimmed milk.

Bates,
(4200-39).

Impure and
skimmed milk.

SECTION 11. No person or persons shall sell, exchange, expose, or offer for sale or exchange, have in his possession or dispose of in any manner, any milk which is falsely branded, labeled, marked or represented as to grade, quantity or place where produced or procured.

Bates,
(4200-40).

Milk, falsely
labeled, etc.

SECTION 12. No person shall keep cows for the production of milk for any purpose, in a cramped or unhealthy condition, or feed them on unhealthy food, or upon food that produces impure, unhealthy or unwholesome milk.

Bates,
(4200-41).

Cows un-
healthy, etc.

SECTION 13. No person shall manufacture, sell, exchange, expose or offer for sale or exchange, any condensed milk, unless the package, can, or vessel containing the same shall be distinctly labeled, stamped, or marked with its true name, brand, by whom and under what name made, and no condensed milk shall be made, exchanged, exposed or offered for sale or exchange, unless the same be made from pure, clean, healthy, fresh, unadulterated and wholesome milk, from which the cream has not been removed, or unless the proportion of milk solids contained in the condensed milk shall be in amount the equivalent of 12 per

Bates,
(4200-42).

Condensed
milk.

centum of milk solids in crude milk, and of such solids, 25 per centum shall be fat.

Bates,
(4200-48).

State institu-
tions.

Bates,
(4200-44).

Penalties.

SECTION 14. No butter or cheese not made wholly from pure milk or cream, salt and harmless coloring matter, shall be used in any of the charitable or penal institutions of the state.

SECTION 15. Any person or persons violating any of the provisions or sections of this act shall, upon conviction thereof, be fined not less than fifty or more than two hundred dollars for the first offense, or for each subsequent offense not less than one hundred or more than five hundred dollars, and be imprisoned not less than ten days or more than ninety days, or both.

AN ACT

To regulate the manufacture and sale of renovated or process butter, enacted April 30th, 1908.

Be it enacted by the General Assembly of the State of Ohio:

Renovated or
process butter
defined.

Sale prohib-
ited unless
branded.

SECTION 1. No person, firm or corporation shall manufacture for sale, offer or expose for sale, sell, exchange or deliver or have in his possession with the intent to sell, exchange or deliver any butter that is produced by taking original packing stock butter or other butter, or both, melting the same so that the butter fat can be drawn off or extracted, mixing the said butter fat with skimmed milk, or milk or cream, or other milk product, and rechurning or reworking the said mixture; nor shall any person, firm or corporation manufacture for sale, offer or expose for sale, sell, exchange or deliver, or have in his possession for any such purpose any butter which has been subjected to any process by which it is melted, clarified or refined, and made to resemble butter, and is commonly known as boiled, or cold extracted process or renovated butter, and which for the purpose of this act is hereby designated as "renovated" or "process butter," unless the same shall be branded or marked as provided in section two of this act.

Branding ren-
ovated or pro-
cess butter.

Two sides of
every tub, etc.

SECTION 2. Whoever, himself or by his agent, or as the servant or agent of another person shall sell, expose for sale or have in his custody or possession with intent to sell any "renovated" or "process butter," as defined in section one of this act, shall have the words "renovated butter" or "process butter" conspicuously stamped, labeled or marked in one or two lines and in plain Gothic letters, at least three-eighths of an inch square, so that the words cannot be easily defaced, upon two sides of each and every tub, firkin, box or package containing said "renovated" or "process butter," or, if such butter is exposed for sale uncovered or not in a case or package, a placard containing said words in the same form as above described in this section shall be attached to the mass in such a manner as to be easily seen

and read by the purchaser. When "renovated" or "process butter" is sold from such package or otherwise at retail, in print, roll or other form, before being delivered to the purchaser, it shall be wrapped in wrappers plainly stamped on the outside thereof with the words "renovated butter," or "process butter" printed or stamped thereon in one or two lines, and in plain Gothic letters at least three-eighths of an inch square, and such wrapper shall contain no other words or printing thereon and said words "renovated butter" or "process butter" so stamped or printed on the said wrapper shall not be in any manner concealed, but shall be in plain view of the purchaser at the time of the purchase.

Retail packages.

SECTION 3. Any one violating any of the provisions of this act shall for a first offense be punished by a fine of not less than fifty nor more than two hundred dollars; for a second offense by a fine of not less than one hundred nor more than three hundred dollars, or by imprisonment in the county jail or workhouse for not less than thirty days nor more than sixty days, or both.

Penalty.

SECTION 4. This act shall take effect sixty days after its passage.

AN ACT

To prevent fraud in the manufacture and sale of imitations of cheese or substitutes for cheese, and to regulate the branding of cheese in the state of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whoever, by himself or his agents, sells, exposes for sale, or has in his possession with intent to sell, any article, substance or compound made in imitation or semblance of cheese, or as a substitute for cheese, and not made exclusively and wholly of milk or cream, with salt, rennet, and with or without harmless coloring matter, or containing any fats, oils, or grease not produced from milk or cream, shall have the words "filled cheese," and all cheese made exclusively and wholly from milk or cream with salt, rennet, and with or without harmless coloring matter, and containing less than thirty per cent. of pure butter fat, shall have the words "skimmed cheese," stamped, labeled, or marked, in printed letters of plain, uncondensed Gothic type, not less than one inch in length, so that the words cannot easily be defaced, and upon the side of every cheese, cheese cloth or band around the same, and upon the top and side of every tub, firkin, box, or package containing any of said article, substance, or compound. And in case of retail sales of any said article, substance or compound, not in the original package, the seller shall, by himself or his agents, attach to each package so sold, and shall deliver therewith to the purchaser, a label or wrapper bearing in a conspicuous place upon the outside of the package the words "filled cheese," or "skimmed

Branding of "filled cheese" and "skimmed cheese" required.

Bates, (4200-21).

cheese," as the case may be, in printed letters of plain, uncondensed Gothic type, not less than one inch in length.

Penalty for preceding section.

Bates, (4200-22).

Intentional deception.

SECTION 2. Whoever, by himself or his agents, sells, exposes for sale, or has in his possession with intent to sell, any article, substance, or compound made in imitation or semblance of cheese, or as a substitute for cheese, except as provided in section 1 of this act, and whoever, with intent to deceive, defaces, erases, cancels or removes any mark, stamp, brand, label or wrapper provided for in said section, or in any manner shall falsely label, stamp, or mark any box, tub, article, or package marked, stamped or labeled as aforesaid, shall be punished by a fine of not less than fifty nor more than one hundred dollars, or by imprisonment in the county jail not less than ten nor more than thirty days for the first offense, and by a fine not less than one hundred nor more than two hundred dollars, or by imprisonment in the county jail not less than twenty nor more than sixty days, or both, for each subsequent offense.

Penalty for selling or offering imitation or substitute when cheese called for.

Bates, (4200-23).

SECTION 3. Whoever, by himself or his agents, sells, exposes for sale, to any person who asks, sends, or inquires for cheese, any article, substance, or compound made in imitation or semblance of cheese, or as a substitute for cheese, not made entirely from milk or cream, with salt, rennet, and with or without harmless coloring matter, and containing not less than thirty per cent. pure butter fat, shall be punished by a fine of not less than fifty nor more than one hundred dollars, or by imprisonment in the county jail not less than ten nor more than thirty days for the first offense, and by a fine of not less than one hundred nor more than two hundred dollars, or by imprisonment in the county jail not less than twenty nor more than sixty days, or both, for each subsequent offense.

Penalty for selling or offering imitation or substitute without proper brands and placards.

Bates, (4200-24).

SECTION 4. Whoever, by himself or his agents, sells or offers for sale, any article, substance, or compound made in imitation or semblance of cheese, or as a substitute for cheese not made entirely from milk or cream, with salt, rennet, and with or without harmless coloring matter, not marked and distinguished by all the marks, words and stamps required by this act, and not having in addition thereto upon the exposed contents of every opened tub, box, or parcel thereof, a conspicuous placard with the words, "filled cheese," or "skimmed cheese," as the case may be, printed thereon in plain, uncondensed letters, not less than one inch long, shall be punished by a fine not less than fifty nor more than one hundred dollars, or by imprisonment in the county jail not less than ten nor more than thirty days for the first offense, and by a fine of not less than one hundred nor more than two hundred dollars, or by imprisonment in the county jail not less than twenty nor more than sixty days, or both, for each subsequent offense.

Posting of placard at place of business.

SECTION 5. Whoever, by himself or his agents, sells "filled cheese," or "skimmed cheese," or any substance made in imitation or semblance of cheese, or as a substitute for cheese, not made entirely from milk and cream,

with salt, rennet, and with or without harmless coloring matter, from any dwelling, store, office, or public mart, shall have conspicuously posted thereon the placard or sign, in letters not less than four inches in length "filled cheese sold here," or "skimmed cheese sold here," as the case may be. Any person neglecting or failing to post the placard herein provided for shall be punished by a fine of one hundred dollars for the first offense, and by a fine of one hundred dollars for each day's neglect thereafter.

Bates,
(4200-25).

Penalty for
failure.

SECTION 6. Whoever, by himself or his agents peddles, sells, solicits orders for the future delivery of, or delivers from any cart, wagon, or other vehicle, upon the public streets or ways, "filled cheese," or "skimmed cheese," or any substance made in imitation or semblance of cheese, or as a substitute for cheese, not made entirely from milk or cream, with salt, rennet, and with or without harmless coloring matter, not having on both sides of said cart, wagon, or other vehicle, the placard in uncondensed Gothic letters, not less than three inches in length, "filled cheese," or "skimmed cheese," shall be punished by a fine of not less than fifty nor more than one hundred dollars or by imprisonment in the county jail not less than ten nor more than thirty days for the first offense, and by a fine of not less than one hundred nor more than two hundred dollars and by imprisonment in the county jail not less than twenty nor more than sixty days, or both, for each subsequent offense.

Penalty for
failure to
placard sides
of vehicle.

Bates,
(4200-26).

SECTION 7. Whoever, by himself or his agents, furnishes, or causes to be furnished, in any hotel, restaurant, or at any lunch counter "filled cheese," or "skimmed cheese," or any substance made in imitation or semblance of cheese, or as a substitute for cheese, not made entirely from milk or cream, with salt, rennet, and with or without harmless coloring matter, to any guest or patron of said hotel, restaurant, or lunch counter, in the place or stead of cheese, shall notify said guest or patron that the substance so furnished is not cheese, and any person so furnishing without said notice, shall be punished by a fine of not less than ten or more than fifty dollars for each offense.

Notice to
guest or pat-
ron of hotel,
restaurant or
lunch-counter.

Bates,
(4200-27).

Penalty for
failure.

SECTION 8. Every manufacturer of full milk cheese may put a brand upon each cheese so manufactured indicating "full milk cheese," with the date and year when made, and no person shall use such a brand upon any cheese made from milk from which any of the cream has been taken. The food and dairy commissioner shall procure and issue to the cheese manufacturers of the state, upon proper application, which application shall be made on or before the first day of April, 1896, and on or before the first day of April of each year thereafter, and under such regulations as to the custody and use thereof, as he may describe, a uniform stencil brand bearing a suitable device or motto, and the words "Ohio state full cream cheese." Every such brand shall be used upon the outside of the cheese, cheese cloth or band around the same, and upon the box or pack-

Branding of
"full milk
cheese."

Bates,
(4200-28).

Brand for
"Ohio state
full cream
cheese."

Register of user.	age containing the same, and shall bear a separate number for each separate factory. The said commissioner shall keep a book in which shall be registered the name, location, and number of each manufacturer using the brand, and the name or names of the person or persons in each factory authorized to use the same. No such brand shall be used upon any other but full cream cheese or packages containing the same; provided, that nothing in this section shall be construed to prohibit the manufacture and sale of pure skimmed cheese made from milk that is clean, pure, healthy, wholesome and unadulterated except by skimming. The commissioner shall receive a fee of one dollar for each registration according to the provisions of this section, such fee to be paid by the person applying for such registration. Whoever, by himself or his agents, violates any of the provisions of this section, shall be punished by a fine of not less than fifty nor more than one hundred dollars or by imprisonment in the county jail not less than ten nor more than thirty days for the first offense, and by a fine of not less than one hundred nor more than two hundred dollars or by imprisonment in the county jail not less than twenty nor more than sixty days, or both, for each subsequent offense.
Restriction upon use "pure skimmed cheese."	
Fee for registration.	
Penalty for violation of section.	
Bates, (4200-29).	SECTION 9. The word "person," as used in this act shall include persons, corporations and companies.

AN ACT

To prevent adulteration of domestic wines.

Domestic wines.

Sec. 7081 R. S. Whoever adulterates any wine made, or juice expressed, from grapes grown within the state of Ohio, by mixing therewith any drugs, chemicals, cider, whiskey, or other liquor, and whoever sells, or offers to sell, any such adulterated wine or grape juice, knowing the same to be adulterated, shall be fined in any sum not more than three hundred dollars, nor less than fifty dollars.

AN ACT

To prevent adulteration and fraud in the manufacture and sale of intoxicating liquors.

Adulterating or selling adulterated liquors.

Sec. 7082. Whoever adulterates, for the purpose of sale, any spirituous, alcoholic or malt liquors used or intended for drink, or medical or mechanical purposes, with coculus-indicus, vitriol, grains of paradise, opium, alum, capsicum, copperas, laurel water, logwood, Brazil-wood, cochineal, sugar of lead, aloes, glucose, tannic acid, or any other substance which is poisonous or injurious to health, or with any substance not a necessary ingredient in the

manufacture thereof; and whoever sells or offers or keeps for sale any such liquors so adulterated, shall be fined in any sum not less than twenty nor more than one hundred dollars, or be imprisoned not less than twenty, nor more than sixty days, or both, at the discretion of the court. And any person guilty of violating any of the provisions of this section, shall be adjudged to pay, in addition to the penalties hereinbefore provided for, all necessary costs and expenses incurred in inspecting and analyzing any such adulterated liquors of which said party may have been guilty of adulterating, or selling, or keeping for sale or offering for sale.

Sec. 7083. Whoever uses any active poison in the manufacture or preparation of any intoxicating liquor, or sells in any quantity any intoxicating liquor so manufactured or prepared, shall be imprisoned in the penitentiary not more than five years, nor less than one year. Manufacture..

Sec. 6949: Whoever, being engaged in the manufacture and sale of intoxicating liquors, fails to brand on each package containing the same the name of the person or company manufacturing, rectifying, or preparing the same, and also the words "containing no poisonous drugs, or other added poison," shall be fined not more than one thousand dollars, and imprisoned not more than six months nor less than one month. Branding of liquor.

AN ACT

To define pure wines, compounded wines and adulterated wines, and to regulate the manufacture and sale of compounded wines, and to prohibit the manufacture or sale of adulterated wines within the state of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That all liquors denominated as wine containing alcohol, "except such as shall be produced by natural fermentation of pure undried grape-juice," or compounded with distilled spirits, or by both methods, whether denominated as wine, or by any other name whatsoever, in the nature of articles for use as beverages, except as allowed in section four of this act, or for compounding with other liquors for such use, and all compounds of the same with pure wine, and all preserved fruit-juices compounded with substances not produced from undried fruit, in character of, or intended for use as beverages, and all wines (including all grades and kinds) which contain, or in the production or manufacture of which, any glucose, or uncrystallized grape or starch sugar, or cider, or pomace of grapes out of which the juice has been pressed or extracted, known as grape cheese, has been used, and all wines, imitation of wines or other beverages produced from fruit into which carbonic acid gas has been artificially injected, or which shall contain any alum, baryta, salts, caustic lime, carbonate of soda, carbonate of potash, carbonic acid, Adulterated wine.

Bates, (4200-66).

Ingredients prohibited in all wines and beverages produced from fruit.

Penalty for
manufacturing
or selling.

salts of lead, salicylic acid or any other antiseptic, coloring matter (other than produced from undried fruit or pure sugar), essence of ether or any foreign substance whatever, which is injurious to health, shall be denominated as adulterated wine, and any person or persons who shall manufacture, or cause the same to be done, with intent to sell, or shall sell or offer to sell, any such wine or beverage, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than two hundred dollars, or more than one thousand dollars, or be imprisoned in the county jail for a term of not less than thirty days or more than six months, or by both such fine and imprisonment, in the discretion of the court, and shall be liable to a penalty of one dollar for each gallon thereof sold, offered for sale, or manufactured with intent to sell, and such wine or beverage shall be deemed a public nuisance and forfeited to the state, and shall be summarily seized and destroyed by any health officer, marshal, constable or sheriff, within whose jurisdiction the same shall be found, and the reasonable expense of such seizure and destruction, not exceeding the amount paid for similar services, shall be a county charge, and paid out of the county treasury in the same manner as costs in criminal cases, where the state fails to convict, are now allowed and paid out of such treasury.

Defining "pure
wine."

Bates,
(4200-57).

Must be
branded.

SECTION 2. For the purpose of this act the words "pure wine" shall be understood to mean the fermented juice of the undried grapes, without the addition thereto of water, sugar, or any foreign substance whatever; and all such wines shall be known as "pure wine," and shall be stamped, branded, labeled, designated and sold as "pure wine," and the name and kind of wine, and that of the locality where such wine is made, and of the manufacturer, may also be added; and it shall be unlawful to affix any stamp, brand or label containing the words "pure wine" (either alone or with other words) on any vessel, package, bottle or other receptacle containing any substance other than pure wine as in this section defined, or to prepare, or use on any vessel, package, bottle or other receptacle containing any liquid, any imitation or counterfeit of such stamp, label or brand, or any stamp, label or brand of such form and appearance as to be calculated to mislead or deceive any person, or cause to be supposed that the contents thereof be pure wine, or to use any vessel, package, bottle or other receptacle, having such stamp, brand or label affixed thereon, except for pure wine, as in this section defined; and if the name of the manufacturer is added, then only of such manufacturer's make, providing the same is pure wine; and any person selling such wine shall in the invoice thereof plainly state and designate the same as "pure wine."

Invoiced
"pure wine."

"Wine" de-
fined.

Bates,
(4200-58).

SECTION 3. For the further purpose of this act the word "wine" shall be understood to mean the fermented juice of undried grapes; provided, however, that the addition of pure white or crystallized sugar to perfect the wine,

or the using of the necessary things to clarify and refine the wine which are not injurious to health, shall not be construed as adulterations, but such wine shall contain at least seventy-five per cent. of pure grape juice, and shall not contain any artificial flavoring whatever; and all such "wine" shall be known as "wine," and shall be stamped, branded, labelled and sold as "wine," in the same manner as is provided in section two of this act in case of pure wine, except the words in this case shall be "wine" without the prefix "pure;" and all the provisions of said section two, as far as applicable, shall govern the manufacture and sale of "wine" as in this section defined. And any person selling such wine shall in the invoice thereof plainly state and designate the same as "wine" without using the prefix "pure."

Branding.

Invoiced
"wine.""Compound-
ed wine" de-
fined.

SECTION 4. For the further purpose of this act, the words "compounded wine" shall be understood to mean any wine which contains less than seventy-five per cent. of pure undried grape-juice, and is otherwise pure, and all wines containing alcohol or any other distilled spirits not produced by the natural fermentation of pure undried grapes, such wine shall be known as compound wine, and shall be branded, marked, labeled and sold as compounded wine, and the name of such wine may be added, or such wine shall be branded, labeled and marked by using the word "compounded" next preceding the name of such wine, such as "compounded sweet catawba," or "compounded port wine," or the like (and an addition of pure distilled spirits not to exceed eight per cent. of its volume shall not be taken to be an adulteration of such wine); and upon each and every package, barrel or other receptacle of such wine, which shall contain more than three gallons, there shall be stamped upon both ends of such package, barrel or other receptacle, in black printed letters at least one inch high and of proper proportion, the words "compounded wine," or the name of such wine, preceded by the word "compounded" as in this section provided, and upon all packages or receptacles which shall contain more than one quart and up to three gallons, there shall be stamped upon each of said packages or receptacles in plain, printed, black letters, at least one-half inch high, and of proper proportion, the words "compounded wine," or the name of such wine, preceded by the word "compounded," as in this section provided, and upon all packages, bottles or other receptacles of one quart or less, there shall be placed a label securely pasted thereon, on which label the words "compounded wine," or the name of the wine preceded by the word "compounded," shall be plainly printed in black letters at least one-fourth of an inch high and of proper proportion. Should any number of such packages or other receptacles be inclosed in a larger package, as a box, barrel, case or basket, such outside package shall also receive the stamp "compounded wine," or the name of such wine, preceded by the word "compounded," the letters to be the size according to the amount of such wine contained in such outside pack-

Branding.

Invoiced
"Compounded
wine."

age. And any person selling wine of the kind in this section defined, shall in the invoice thereof plainly state and designate such wine as "compound wine."

Penalty for
violating this
act.

SECTION 5. Any person or persons who shall sell or offer for sale, or manufacture or cause the same to be done, with intent to sell any wine stamped or labeled, or branded, or designated in any manner as "pure wine," either by including the word "pure" with "wine" alone or in connection with other words, which is not "pure wine," as is in section two of this act defined, or any wine stamped, or labeled or branded, or in any manner designated as "wine," but which is not wine as in section three of this act defined, or shall violate any provisions of said sections two and three of this act, or shall sell or offer for sale, or manufacture, or cause the same to be done, with intent to sell any wine of the kind and character as described in the fourth section of this act, which shall not be stamped, marked or labeled, after the manner and mode therein prescribed, or which is falsely stamped, or marked, or labeled, such person or persons shall be guilty of a misdemeanor, and shall be punished by a fine of not less than one hundred dollars or more than one thousand dollars for each and every offense, or by imprisonment in the county jail not less than thirty days or more than six months, or both fine and imprisonment, in the discretion of the court, and in addition therein shall be liable to a penalty of one-half dollar for each gallon thereof sold, offered for sale, or manufactured with intent to sell or offer for sale. All penalties imposed by this act may be recovered with costs of action by any person in his own name, before any justice of the peace in the county where the offense was committed, where the amount does not exceed the jurisdiction of such justice; and such penalties may be recovered in the like manner in any court of record in the state, but on the recovery by the plaintiff in such case for a sum less than fifty dollars, the plaintiff shall only be entitled to costs to amount equal to the amount of such recovery. It shall be the duty of the prosecuting attorney of the respective counties of this state, and they are hereby required to prosecute or commence action in the name of the state of Ohio for the recovery of the penalties allowed herein, upon receiving proper information thereof, and in actions brought by such prosecuting attorney, one-half of the penalty recovered shall belong to and be paid over to the person or persons giving the information upon which the action is brought, and the other one-half shall be paid to the treasurer of the county in which the action is brought, within thirty days from the time of its collection, and such money shall be placed to the credit of the poor fund of the town, city or township in which the cause of action arose, after paying therefrom a reasonable attorney fee to the prosecuting attorney prosecuting such suit, to be fixed and allowed by the court trying such cause. All judgments recovered in pursuance of the provisions of this act, with interest thereon, may be collected and enforced by the same

Duty of prosecuting attorney.

means and in the same manner as judgments in other cases. Two or more penalties may be included in the same action.

SECTION 6. The provisions of this act shall not apply to medicated wines, such as are put up and sold for medicinal purposes only; nor to currant wine or other wines made from fruits other than grapes, which are plainly labeled, or branded, or designated and sold, or offered for sale under names including the word wine, but also expressing distinctly the fruit from which they are made, as "gooseberry wine," "elderberry wine," or the like.

Bates,
(4200-61).

AN ACT

To prevent the adulteration of and deception in the sale of flaxseed or linseed oil, as amended April 6th, 1908.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That no person, firm or corporation shall manufacture for sale, offer or expose for sale, in this state, any so-called "raw flaxseed or linseed oil" unless the same is wholly obtained from the seeds of the flax plant and unless the same fulfills all the requirements recognized by the latest revision of the United States Pharmacopoeia official at the time of the sale in question, or any so-called "boiled linseed oil" unless the same shall have been prepared by heating pure raw linseed oil to a temperature of 225 degrees Fahrenheit, and incorporating not to exceed four per cent. by weight of dryer. And for the purpose of this act it shall also be deemed a violation hereof if boiled linseed oil does not conform to the following requirements: 1st. Its specific gravity at 60 degrees Fahrenheit must be not less than 0.935 and not greater than 0.945. 2nd. Its saponification value (Koettstorfer figure) must not be less than 186. 3d. Its iodine number must not be less than 160. 4th. Its acid value must not exceed 10. 5th. The volatile matter expelled at 212 degrees Fahrenheit must not exceed one-half of one per cent. 6th. No mineral oil shall be present, and the amount of unsaponifiable matter as determined by standard methods shall not exceed 2.5 per cent. 7th. The film left after flowing the oil over glass and allowing it to drain in a vertical position must dry free from tackiness in not to exceed twenty hours, at a temperature of about 70 degrees Fahrenheit.

Sec. (4200-46).

Raw linseed
oil.

Standard.

Boiled linseed
oil.

Standard.

SECTION 2. That no person, firm or corporation shall sell, expose or offer for sale any flaxseed or linseed oil unless it is done under its true name, and each tank car, tank, barrel, keg or any vessel of such oil has distinctly and durably painted, stamped, stenciled or marked thereon the true name of such oil in ordinary bold faced capital letters, not less than five lines pica in size, the words, "Pure Linseed Oil—Raw," "Pure Linseed Oil—Boiled," and the name and address of the manufacturer thereof.

Branding.

Sec. (4200-47.)

SECTION 3. That any person, firm or corporation who shall sell without any stamp as required by this act, or who shall falsely stamp or label such tank cars, tanks, barrels, kegs, cans or other vessels containing flaxseed or linseed oil, or knowingly permit such stamping or labeling, or who ever shall violate any provisions of this act, shall be deemed guilty of a misdemeanor and punished with a fine of not less than fifty dollars nor more than five hundred dollars or imprisoned not less than thirty days nor more than ninety days, or both, for each offense.

Penalty.

Sec. (4200-48).

Dairy & food
commissioner
enforces law.

Sec. (4200-49).

SECTION 4. It is hereby made the duty of the food and dairy commissioner of the state to see that the provisions of this act are enforced and grand juries are instructed to take cognizance of cases the same as for where crimes are charged.

AN ACT

Requiring manufacturers and distributors to label white lead, paints, mixed paints, and similar compounds.

(Enacted April 14th, 1908).

Be it enacted by the General Assembly of the State of Ohio:

Paint to be
labeled.

SECTION 1. No person, firm or corporation shall expose for sale or sell within this state any paint, turpentine or linseed oil, which is labeled or marked in any manner so as to tend to deceive the purchaser as to its nature or composition, or which is not accurately labeled as hereinafter required.

"Paint" de-
fined.

SECTION 2. The term "paint" as used in this act shall include oxide of zinc, red lead, and white lead, dry or in any kind of oil, and any compound intended for the same use, colors ground in oil, paste or semi-paste paint, and liquid or mixed paint ready for use.

What label
shall show.

SECTION 3. The label required by this act shall clearly and distinctly state the name and residence of the manufacturer of the paint, or of the distributor thereof, or of the party for whom the same is manufactured, and show the name and; with substantial accuracy, the percentage of each ingredient both solid and liquid contained therein. In the case of paint other than white paint where more than one coloring material is used, the several coloring materials may be shown by their combined percentage, in which case it shall be necessary to state the description or trade name, and with substantial accuracy, the chemical analysis of each of such constituent coloring materials. Said label shall be printed in the English language in plain legible type in continuous list with no intervening matter of any kind.

Net measure
or net weight.

SECTION 4. The label on all paint sold by measure shall show the net measure of the contents of the container, and on all paint sold by weight, the net weight of the contents of the package.

SECTION 5. The provisions of this act shall not apply to any articles hereinbefore described which are in the state in the hands of jobbers and dealers at the time that this act takes effect. An inventory of all paints manufactured prior to January 1, 1909, and in the hands of jobbers and dealers of the state on that date shall be made under oath by the person having such goods and filed with the dairy and food commissioner of the state.

Exempted articles in hands of jobbers and dealers Jan'y 1, 1909.

Inventory.

SECTION 6. The having in possession by any person, firm or corporation dealing in said articles, any articles or substances hereinbefore described and improperly marked or not accurately labeled, as provided in this act, shall be considered prima facie evidence that the same is kept by such person, firm or corporation, in violation of the provisions of this act and punishable under it.

Prima facie case.

SECTION 7. The dairy and food commissioner of the state is charged with the proper enforcement of all of the provisions of this act.

Enforcement.

SECTION 8. The said commissioner and his assistants, experts, chemists and agents shall be duly authorized for the purpose and shall have access and ingress to all the places of business, stores and buildings used for the sale of paint, turpentine or linseed oil. They shall also have power of authority to open any package, can, jar, tub or other receptacle containing articles that may be sold or exposed for sale in violation of the provisions of this act. The inspectors, assistants and chemists appointed by the state dairy and food commissioner shall perform the same duties and have the same authority under this act as are prescribed by division II, Title III, Chapter 18, part first of the Revised Statutes of Ohio. The state dairy and food commissioner shall from time to time publish bulletins giving the result of inspection and analyses together with such additional information as he may deem suitable.

Inspection of places of business, etc.

Authority same as in food and drug work.

SECTION 9. Whoever violates any of the provisions of this act shall be guilty of a misdemeanor and for the first offense shall upon conviction thereof be punished by a fine of not more than \$50, and for each subsequent offense by a fine of not less than \$50 and not more than \$100, or by imprisonment for not less than thirty days, nor more than one hundred days, or both, for each offense.

Penalty.

SECTION 10. This act shall take effect and be in force from and after January 1, 1909.

PROCEDURE.

Sec. 3718a. Any justice of the peace, police judge, or mayor of any city or village, shall each have jurisdiction within his county, in all cases of violation of the laws to prevent the adulteration of food and drink, the adulteration or deception in the sale of dairy products, or any other foods, and drugs and medicines, and any violation of the law for the prevention of cruelty to animals or children, or under sections 3140-2, 4364-24, 4364-25, 6984, 6984a of the Re-

Jury trial.

vised Statutes of Ohio. In any such prosecution where imprisonment may be a part of the punishment, if a trial by jury be not waived, the said justice of the peace shall, not less than three nor more than five days before the time fixed for trial, certify to the clerk of the court of common pleas of his county that such prosecution is pending before him. Thereupon said clerk shall proceed to draw, in the presence of representatives of both parties, from the jury wheel or box containing the names of persons selected to serve as petit jurors in the court of common pleas in said county, twenty ballots or names, which shall be drawn and counted in the same manner as for jurors in said court of common pleas. Said clerk shall forthwith certify the names so drawn to said justice of the peace, who, upon receipt thereof, shall issue to any constable of the county a venire containing such names to serve as jurors to try such case and make due return thereof. The jurors shall be subject to the same challenges as jurors are subject to in criminal cases, except capital cases, in the court of common pleas. If the venire of twenty names be exhausted without obtaining the required number to fill the panel, the justice shall fill the panel with talesmen in the manner provided for criminal cases in said court of common pleas. In all cases prosecuted under the provisions of this act, no costs shall be required to be advanced or be secured by any person or persons authorized under the law to prosecute such cases; and if the defendant be acquitted or discharged from custody, by nolle or otherwise, or if he be convicted and committed in default of paying fine and costs, all costs of such case shall be certified by said justice of the peace under oath to the county auditor, who, after correcting any errors in the same, shall issue a warrant on the county treasury in favor of the person or persons to whom such costs and fees shall be paid. And in cases brought for any violation of law for the prevention of cruelty to animals or children, or under sections 3140-2, 6984, 6984a or (7017-3) Revised Statutes of Ohio, any humane society or their agents may employ an attorney to prosecute the same, who shall be paid for his services out of the county treasury in such sum as any judge of the court of common pleas or probate judge, within said county, or the county commissioners, may approve as just and reasonable.

In pursuing or arresting any defendant and in subpoenaing the witnesses, the jurisdiction and powers of the constable or other court officer acting in such capacity, in all such cases, shall be the same as that of the sheriff of the county in criminal cases in the common pleas court, and he shall receive the same fees therefor as are allowed said sheriff. Jurors in all such cases and witnesses subpoenaed in all such cases shall be entitled to like mileage and fees, as are allowed in criminal cases in the court of common pleas, and in all other respects, in so far as the same may be applicable, the procedure provided for in criminal cases in the common pleas court not otherwise inconsistent here-

with, shall be followed. And provided, further, that where, in any such laws, after the first offense, a different punishment is provided for subsequent offenses, the information or affidavit, in order to avail the state of the benefit of such additional punishment, shall so charge that it is the second or subsequent offense, and unless such special charge is so made, the punishment shall in all cases be as of the first offense. All costs and moneys which are to be paid by the county treasurer as herein provided, shall be paid out of the general revenue fund of said county. And in any case prosecuted under the provisions of this section, a new trial, after a verdict of conviction, may be granted, for any of the reasons enumerated in section seventy-three hundred and fifty of the Revised Statutes, upon the written application of the defendant, filed within three days after the rendition of the verdict; provided that the causes enumerated in subdivision two, three and five of said section must be sustained by affidavits or other evidence showing their truth and may be controverted by like evidence.

Costs.

LIQUOR TRAFFIC TAX LAW.

AN ACT

Providing for a tax upon the business of trafficking in spirituous, vinous, malt and any intoxicating liquors, and acts amendatory thereto providing for the enforcement and collection of said tax.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. (Sec. 4364-9.) Upon the business of trafficking in spirituous, vinous, malt or other intoxicating liquors, there shall be assessed yearly, and shall be paid into the county treasury, as hereinafter provided, by every person, corporation, or co-partnership engaged therein, and for each place where such business is carried on by or for such persons, corporation, or co-partnership, the sum of one thousand dollars.

Trafficking tax
\$1,000 yearly.

SECTION 2. (4364-10). That said assessment, together with an increase thereof, as penalty thereon, shall attach and operate as a lien upon the real property on and in which such business is conducted, as of the fourth Monday of May each year, and shall be paid at the times provided for by law for the payment of taxes on real or personal property within this state, to-wit: one-half on or before the twentieth day of June, and one-half on or before the twentieth day of December, of each year.

Lien from 4th
Monday of
May.

SECTION 3. (Sec. 4364-11.) That when such business shall be commenced in any year after the fourth Monday in May said assessment shall be proportionate in amount to the remainder of the assessment year, except that it shall be in no case less than two hundred dollars, and the same

Discontinu-
ance in no
case less than
\$200.

shall attach and operate as a lien as provided in section 2 of said act of May 14, 1886, and be payable on the date of such commencement, and whenever any person, corporation or co-partnership, engaged in such business who has been assessed as aforesaid, and who has paid the full amount of said assessment discontinues such business, the county auditor, upon being satisfied of that fact, shall issue to such person, corporation or co-partnership a refunding order for a proportionate amount of said assessment, so paid, but in no case shall the amount of such assessment retained be less than two hundred dollars.

Liquor tax
assessment.

Sec. 4364-14. The county auditor shall make and preserve duplicates of such assessments, alphabetically arranged, showing the amount and date of each assessment, by whom to be paid, and the premises whereon the same is a lien. And upon receiving satisfactory information of any such business liable to assessment or increased assessment, as aforesaid, not returned by the assessor, he shall forthwith enter the same upon such duplicate and upon the county treasurer's copy thereof. By the first Monday in June of each year, he shall make out and deliver to the county treasurer a copy of such duplicate, charging him with the full amount of such assessments to be collected, and also with any additional assessments or increased assessments and penalties thereon. The county commissioners of the respective counties shall allow their county auditor compensation for the discharge of the duties imposed upon and performed by him under this act, as follows: Where the amount of assessments charged upon the duplicate in any county in any year aggregates twenty thousand dollars or under, a compensation equal to three per centum of any such aggregate, and where in any county in any year the aggregate so charged exceeds twenty thousand dollars a like compensation on twenty thousand dollars, and, in addition thereto, an amount equal to one and one-half per centum on any amount in excess of twenty thousand dollars. All compensation so allowed shall at the next settlement of taxes to be deducted by the county auditor, ratably, from all the funds entitled to share in the distribution of such assessments, including the state, county, townships, municipalities, school districts and other organizations entitled thereto. All laws requiring any county auditor to account for and pay his fees, costs and allowances or any part thereof into the county treasury for the use of the county shall govern and apply to the compensation herein provided for.

Duty of
inspectors.

SEC. 4364-14a. The assistant commissioners and inspectors appointed by the dairy and food commissioner under section 409-10 of the Revised Statutes of Ohio, in addition to their duties under that section, shall determine from information furnished by the auditor of state or by personal visitation or otherwise, the names of all persons, firms or corporations liable to such assessment or increased assessment not already on the duplicate, and forthwith report the same to the auditor of state, together with a de-

scription of the real estate upon which such business is carried on; and thereupon the auditor of state shall cause the same to be entered upon the assessment duplicate of the proper county by the auditor thereof, together with the penalty of twenty per centum, which shall be collected the same as other assessments. And ten per cent. of the amount so placed upon the duplicate and collected shall be set apart and paid into the state treasury to the credit of the general revenue fund, and the remainder thereof shall be distributed the same as provided in section 4364-17 of the Revised Statutes of Ohio.

Sec. 4364-15. The county treasurer shall collect a receipt for all assessments so returned to him, and if any assessment shall not be paid when due, he shall forthwith proceed as provided in section 4364-12 of the Revised Statutes of Ohio, to collect the same, and in case he shall fail to make such assessment from the goods and chattels therein described, then said treasurer shall immediately proceed as provided in section one thousand one hundred and four of the Revised Statutes of Ohio, to enforce the lien for the same with the penalty thereon. And the provisions of said section one thousand one hundred and four and all other provisions of the law of this state relating to the assessment and collection of taxes are hereby made applicable to the enforcement of liens and the collection of such assessments and penalties. The fact that the person, firm or corporation against whom suit may be brought to enforce the collection of such assessment, has paid the special tax required by the laws of the United States for engaging in the sale of intoxicating liquors, as shown by the public records in the offices of the internal revenue department, may be offered in evidence as proof that he so engaged for the time for which such special tax has been paid, and shall be prima facie evidence that such person, firm or corporation is actually engaged in the business of trafficking in intoxicating liquors as defined in sections 4364-9, 4364-10, 4364-11, 4364-12, 4364-13, 4364-14, 4364-15, 4364-16, 4364-17, 4364-18, 4364-19, 4364-20, 4364-21, 4364-22, and 4364-23 of the Revised Statutes of Ohio, but nothing in this act shall be construed as applying to a regular druggist selling intoxicating liquors upon prescription, issued in good faith by a reputable physician, in active practice, or for exclusively known mechanical, pharmaceutical or sacramental purposes, as defined in section 4364-16 of the Revised Statutes of Ohio. The treasurer shall charge himself with all such assessments placed in his hands for collection, and shall account to the auditor for the same, together with all penalties collected thereunder.

Collection of tax.

As to druggists.

Sec 8. (4364-16). The phrase "trafficking in intoxicating liquors," as used in this act, means the buying or procuring and selling of intoxicating liquors otherwise than upon prescription issued in good faith by reputable physicians in active practice, or for exclusively known mechanical, pharmaceutical or sacramental purposes, but such

"Trafficking in intoxicating liquors" defined.

phrase does not include the manufacture of intoxicating liquors from the raw material, and the sale thereof at the manufactory, by the manufacturer of the same in quantities of one gallon or more at any one time.

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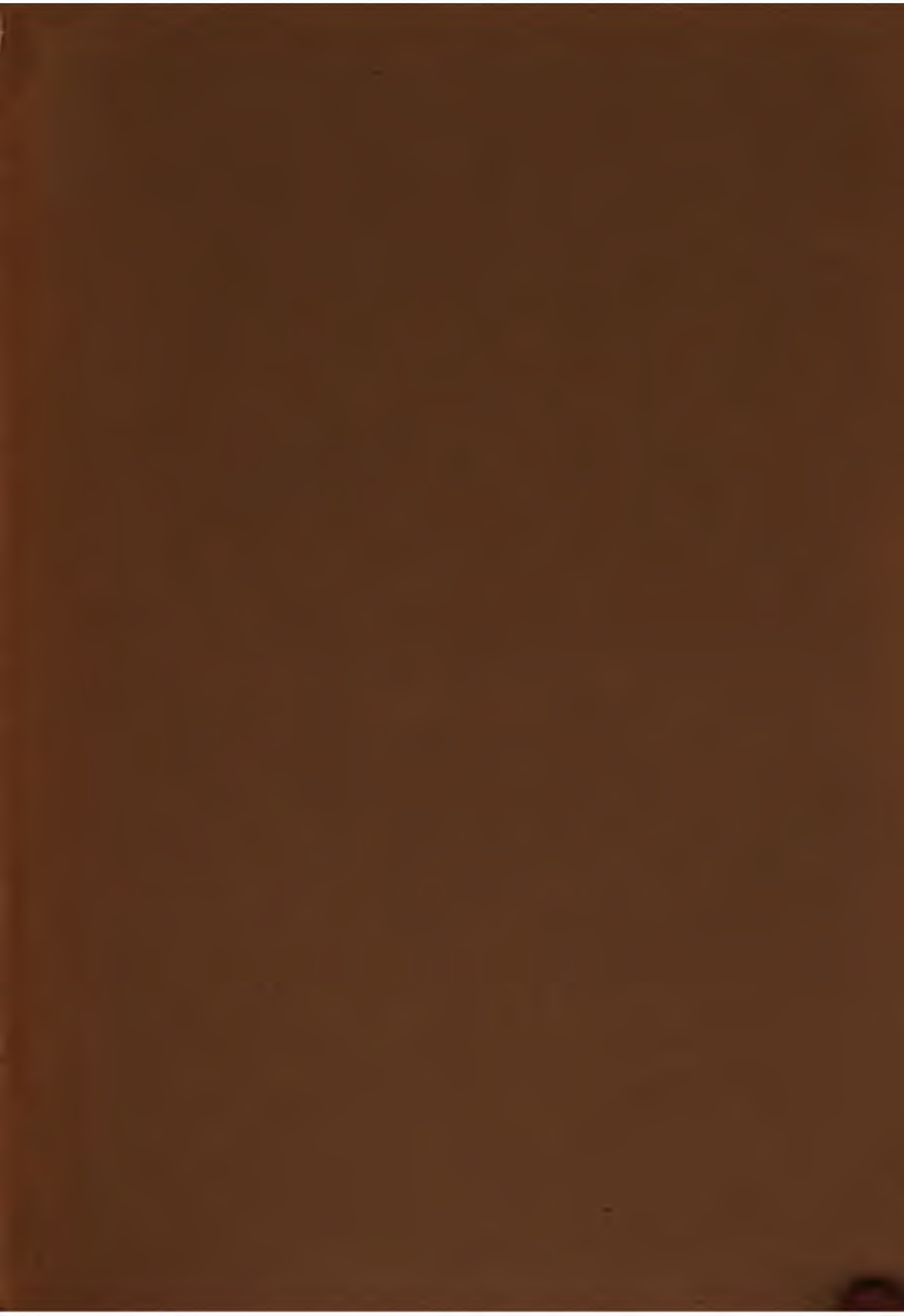
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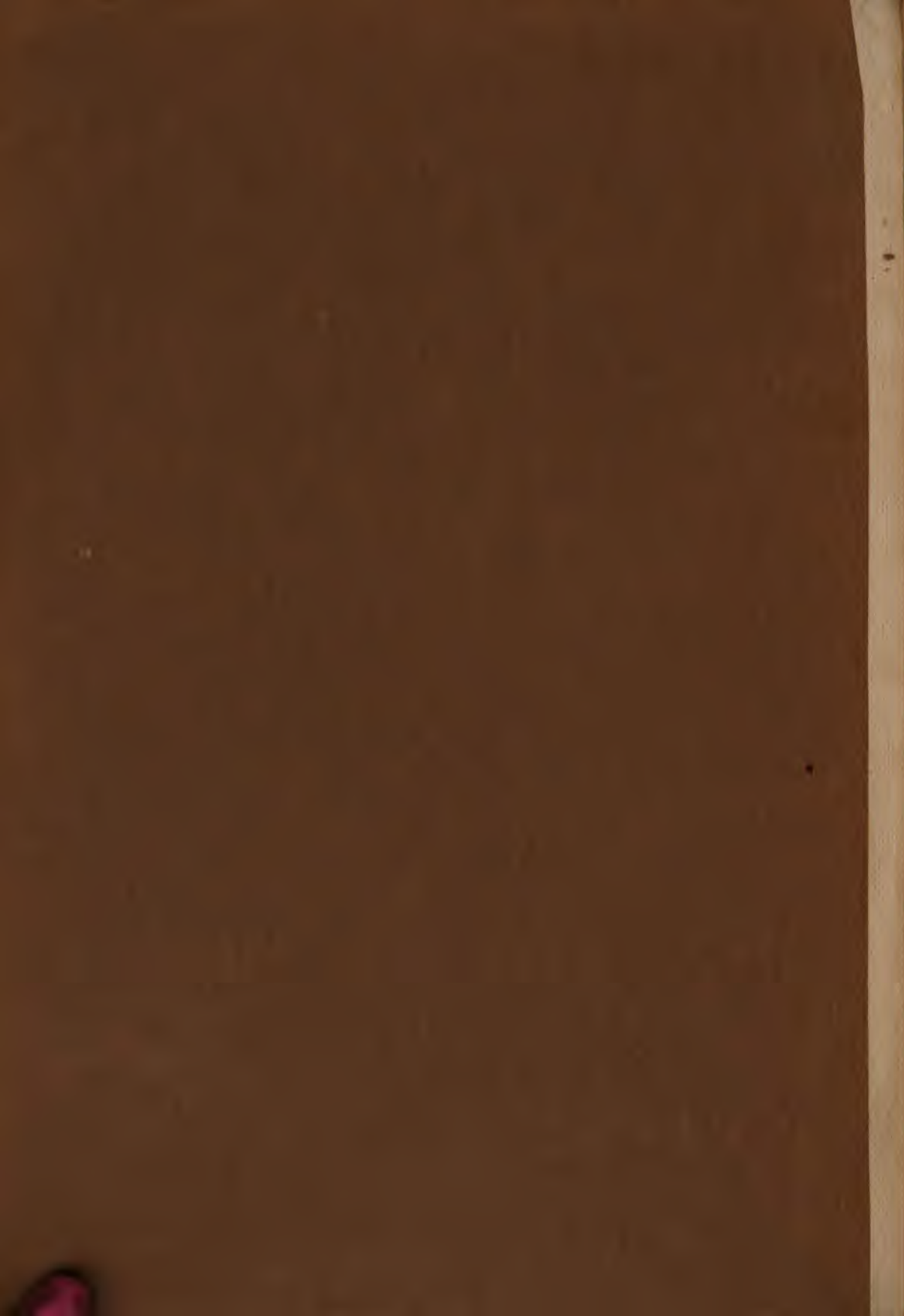
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